

Report Date: September 11, 2017
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
SEP 11 2017
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brian Scott Fellman Case Number: 0980 2:09CR06087-WFN-1
Address of Offender: Spokane, Washington 99201
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: November 29, 2010
Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2) and (b)
Original Sentence: Prison - 70 months Type of Supervision: Supervised Release
TSR - 60 months
Asst. U.S. Attorney: Stephanie J. Lister Date Supervision Commenced: February 20, 2015
Defense Attorney: Daniel N. Rubin Date Supervision Expires: February 19, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 05/04/2017 and 06/01/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

4 **Special Condition # 31:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On February 23, 2015, Mr. Fellman was given a copy of his judgment, and his conditions of supervision were explained to him. He signed the judgment, and stated he understood his conditions and that he was expected to follow them.

Due to Mr. Fellman's continued drug use, he was directed to call the Alcohol Drug Education Prevention and Treatment (ADEPT) urinalysis (UA) hotline each day. He was to listen for the color "Brown 1." On August 30, 2017, the color "Brown 1" was called. Mr. Fellman reported as directed and supplied a urine sample that tested presumptive positive for marijuana. This sample was sent to Alere Laboratory to check its validity.

Mr. Fellman called the undersigned officer on August 31, 2017, and disclosed he tested presumptive positive for marijuana. Mr. Fellman was directed to report to the United States Probation Office on September 7, 2017. He reported as directed and signed a drug use admission form stating he used marijuana on or about August 29, 2017. On September 3, 2017, Alere Laboratory confirmed Mr. Fellman's urine sample was positive for marijuana.

Re: Fellman, Brian Scott

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- 5 **Special Condition # 31:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

On February 23, 2015, Mr. Fellman was given a copy of his judgment, and his conditions of supervision were explained to him. He signed the judgment, and stated he understood his conditions and that he was expected to follow them.

Due to Mr. Fellman's continued drug use, he was directed to call ADEPT's UA hotline each day. He was to listen for the color "Brown 1." On September 7, 2017, the color "Brown 1" was called. Mr. Fellman reported as directed and supplied a urine sample that tested presumptive positive for methamphetamine. This sample was sent to Alere Laboratory to check its validity.

Mr. Fellman called the undersigned officer on September 8, 2017, and disclosed he used methamphetamine and had no good excuse.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/11/2017

s/Joshua D. Schull

Joshua D. Schull
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
☐ Defendant to appear before the Judge assigned to the case.
☒ Defendant to appear before the Magistrate Judge.
☐ Other


Signature of Judicial Officer

9/11/17
Date